

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

OCT 26 2017

at 3 o'clock and 30 min. P.M.
SUE BEITIA, CLERK

Trina X. Easley-Jackson
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Oakland, CA 94605
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In Pro Per

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
CIVIL DIVISION

TRINA X. EASLEY-JACKSON,

) COMPLAINT FOR A
) CIVIL CASE

) CASE NUMBER: CV17 00536 LEK RLP
)

) Plaintiff,

10 -vs-)

12 HILTON HAWAIIAN VILLAGE, LLC,)
dba HILTON HAWAIIAN)
13 WAIKIKI BEACH RESORT, HILTON)
HAWAII CORPORATION, HILTON)
14 MANAGEMENT, LLC, PARK HOTELS)
& RESORTS, INC., JOHN DOES)
15 1-5, JOHN DOE CORPORATIONS)
1-5, JOHN DOE PARTNERSHIPS)
16 1-5, ROE NON-PROFIT)
CORPORATIONS 1-5 and ROE)
17 GOVERNMENTAL AGENCIES 1-5,)

18 Defendants.)
19

COMPLAINT

20 1. At all times relevant herein, plaintiff TRINA
21 X. EASLEY-JACKSON was a citizen and resident of the State of
22 California.

23 2. At all times relevant herein, defendant
24 HILTON HAWAIIAN VILLAGE, LLC, dba HILTON HAWAIIAN VILLAGE
25 WAIKIKI BEACH RESORT, was a limited liability corporation,
26 incorporated under the law of the State of Delaware, having

1 its principal place of business in the County of Oahu, State
2 of Hawaii and doing business therein.

3 3. At all times relevant herein, defendant
4 HILTON HAWAII CORPORATION was a limited liability
5 corporation, incorporated under the law of the State of
6 Delaware, having its principal place of business in the
7 County of Maui, State of Hawaii and doing business therein.

8 4. At all times relevant herein, defendant
9 HILTON MANAGEMENT, LLC, was a limited liability corporation,
10 incorporated under the law of the State of Delaware, having
11 its principal place of business in the County of Maui, State
12 of Hawaii and doing business therein.

13 5. At all times relevant herein, defendant PARK
14 HOTELS & RESORTS, INC., was a corporation, incorporated
15 under the law of the State of Delaware, having its principal
16 place of business in the County of Maui, State of Hawaii and
17 doing business therein.

18 6. None of the above-named defendants are
19 citizens of the State of California, incorporated under the
20 law of the State of California, or has their principal place
21 of business within the State of California.

22 7. No unidentified defendant was a citizen or
23 resident of the State of California or incorporated under
24 the law of California or had its principal place of business
25 thereat.

26

1 8. There is complete diversity of citizenship
2 between plaintiff and defendants pursuant to 28 USC §
3 1332(a)(1).

4 9. At all times relevant herein, defendants,
5 and/or any of them, owned and/or operated and maintained a
6 first class resort hotel property, known as "Hilton Hawaiian
7 Village Waikiki Beach Resort", situated at 2005 Kalia Road,
8 Honolulu, Hawaii, 96815 (hereinafter "the premises").

9 10. Excluding the unidentified defendants
10 described in Paragraph 8 above, plaintiff has diligently and
11 in good faith attempted to ascertain names, identities, and
12 possible defendants whose identities are presently unknown
13 to plaintiff. Despite the foregoing, the identities of
14 other defendant, excluding those described in paragraph 8
15 above, whose conduct may have been a legal cause of
16 plaintiff's injuries and damages, remain unknown to
17 plaintiff.

18 11. Plaintiff alleges on information and belief
19 that, directly or indirectly, the conduct of other
20 defendants, other than those described in paragraph 7 above,
21 presently unknown to plaintiff, was or may have been a legal
22 cause of the occurrence complained of and/or the injury,
23 damage, or loss thereby sustained, inasmuch as the conduct
24 of each defendant may have coincided with and/or concurred
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1 with that of each and every other defendant named and
2 unnamed.

3 12. All events described herein occurred in the
4 County of Maui, State of Hawaii, so that this Court is the
5 appropriate venue for, and has jurisdiction over, this
6 proceeding and the parties herein.

7 13. On November 13, 2015, plaintiff was lawfully
8 upon the premises of defendants, and/or any of them, whereat
9 she was caused to fall.

10 14. At all times relevant herein, defendant,
11 and/or any of them, created, caused, allowed to exist,
12 owned, leased, operated, cleaned, controlled, managed,
13 and/or supervised, failed to inspect and /or maintain its
14 premises, and/or warn about and/or failed to eliminate an
15 unreasonably dangerous condition on the premises, which
16 condition was foreseeably hazardous to patrons of defendant,
17 and/or any of them, including plaintiff, which condition
18 created an unreasonable risk of harm to her, and was a cause
19 of plaintiff's fall at the premises.

20 15. The fall suffered by plaintiff resulted from,
21 among other things, defendants', and or any of them, failure
22 to provide a non-slippery walking surface on its premises at
23 the entrance of the hot tub at the **Paradise Pool**.

24 16. The surface of the aforesaid walkway was wet,
25 slippery and dangerous at the time of plaintiff's fall,
26

1 there having been rain in the area at an earlier time during
2 the day of her fall.

3 17. Defendant failed to warn its guests,
4 including plaintiff, of any hazardous condition of the
5 aforementioned entry to the hot tub.

6 18. Defendant failed to provide any kind of anti-
7 slip surface, carpet, rug or mat, which would have prevented
8 plaintiff from slipping and/or falling as a result of the
9 dangerous condition of the entry.

10 19. Defendants failed to warn its guests,
11 including plaintiff, of any hazardous condition of the
12 aforesaid entry prior to plaintiff's fall.

13 20. At all times relevant herein, the condition
14 of the aforesaid walkway was unreasonably dangerous.

15 21. Defendants', and/or any of them, allowance
16 of, or permission of the existence of, the aforesaid
17 dangerous walkway condition, was unreasonably careless.

18 22. On November 13, 2015, as a legal result of
19 the foregoing, plaintiff was caused to fall.

20 23. Negligence of defendants, and/or that of any
21 of them, mentioned above, was a cause of plaintiff's fall.

22 24. As a legal result of the foregoing, plaintiff
23 has suffered severe and permanent physical and/or mental
24 injuries, suffering, emotional distress, diminution of wage
25 and/or impairment of earning capacity, enjoyment of life's
26

1 activities, expenses incurred for the treatment of injuries
2 suffered, together with other damages as shall be proved at
3 time of trial, which is in excess of \$75,000 exclusive of
4 interest and costs.

5 25. The amount of damages suffered by plaintiff,
6 in excess of \$100,000, exclusive of interest and costs, is
7 sufficient to vest this Court with jurisdiction pursuant to
8 28 USC §1332(a).

9 26. Plaintiff engaged in no negligent conduct
10 which was a legal cause of his injuries.

11 WHEREFORE, upon a hearing hereof, plaintiff prays
12 that judgment be entered in her favor and against
13 defendants, and/or any of them, jointly and severally, for
14 general and special damages exclusive of costs, and/or other
15 damages as to which she shall be entitled pursuant to proof
16 adduced at trial, together with costs of suit, attorney's
17 fees, pre-judgment interest, post-judgment interest, and
18 such other and further relief as to which he shall be
19 entitled pursuant to Rule 54(c), Federal Rules of Civil
20 Procedure.

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22 DATED: Oakland, CA

10-20-2017

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25 TRINA X. EASLEY-JACKSON
26 In Pro Per